

**MAY 24, 2004**

**CITY OF GUNNISON COUNCIL  
REGULAR SESSION MINUTES**

**7:00 P.M.**

The Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with Councilmembers Medina, Harriman, Miller and Nesbitt present along with City Manager Collins, City Clerk Davidson, Police Chief Keehne, Community Development Director Westbay, Parks & Recreation Director Ampietro, Planning Commissioners Lothamer, Seitz, Harriman, many interested citizens and the press.

**Consideration of Minutes:**

**Reorganization Meeting Minutes of May 16, 2005.**

Councilor Nesbitt moved and Councilor Miller seconded the motion to approve the Reorganization Meeting Minutes of May 16, 2005, as submitted.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller, Nesbitt. So carried.

Roll call vote, no: None.

**Pre-Scheduled Citizens:**

**Hinsdale County Youth Program Presentation on Tobacco Product Placement – Helen Brown Coordinator and Students.** Four students from the Lake City Youth Tobacco Coalition – Get R!EAL, addressed Council. R!EAL stands for Resist! Expose Advertising Lies. The students discussed issues regarding clerk-assisted vs. self-service tobacco product sales. The students stated clerk-assisted sales reduce shoplifting/theft of tobacco products by juveniles, and decreases tobacco use by juveniles and youth. The students asked Council to consider passing an ordinance banning self-service tobacco product sales within the City. Council thanked the students and asked the City Clerk to place this item on a future work session agenda.

**Unfinished Business:** None.

**New Business:**

**Action on Request from Gunnison Valley Ice Association for Funds in the Amount of \$9,000 for Jorgensen Hockey Rink Boards and Glass.** Councilor Nesbitt and Parks & Recreation Director Ampietro clarified the total request in funds is \$10,000; \$9,000 from the Capital Fund and \$1,000 from the Advertisement Revenue Account line item.

Councilor Nesbitt moved and Councilor Harriman seconded the motion that a total of \$10,000 be allocated from existing line items to be used for hockey rink boards and glass at the Jorgensen Hockey rink.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried.

Roll call vote, no: None.

**Appointments to Fill Three (3) Vacancies on the City Zoning Board of Adjustments and Appeals.** Three letters of interest were received for three vacancies.

Councilor Nesbitt moved and Councilor Medina seconded the motion to appoint Wesley Bailey, Carl Pickett and Jennie Lazorchak to the City Zoning Board of Adjustments and Appeals.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.

Roll call vote, no: None.

**Appointments to Fill Five (5) Vacancies on the City Building Board of Appeals.**

City Clerk Davidson stated only one letter of interest, that being from incumbent John Sloan, was received. With Council's permission she will re-advertise the vacancies. Council concurred.

Councilor Nesbitt moved and Councilor Medina seconded the motion to table the appointments until more letters of interest are received.

Roll call vote, yes: Miller, Nesbitt, Medina, Harriman, Ferguson. So carried.

Roll call vote, no: None.

**Appointments to Fill Two (2) Vacancies as the City Representatives to the Gunnison County Housing Authority Board.** Two letters of interest were received for the full representative and the alternate position.

Councilor Miller moved and Councilor Harriman seconded the motion to appoint Kelly McKinnis as the full representative and Shane Ralston as the alternate representative to the Gunnison County Housing Authority Board.

Roll call vote, yes: Nesbitt, Medina, Harriman, Ferguson, Miller. So carried.  
Roll call vote, no: None.

**Action of Park Usage Policy.** This item was discussed at the last Council Work Session.

Councilor Miller moved and Councilor Nesbitt seconded the motion to accept the Park Use Policy.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller, Nesbitt. So carried.  
Roll call vote, no: None.

Council asked that the new park usage fees be published in the newspaper. Director Ampietro stated it would be done.

**Ordinance and Resolutions:**

**Ordinance No. 6, Series 2005; Re: Concerning Consumption of Alcohol in Public Places, 2<sup>nd</sup> Reading.**

Councilor Miller introduced Ordinance No. 6, Series 2005, and it was read by title only by the Mayor.

Councilor Medina moved and Councilor Harriman seconded the motion that Ordinance No. 6, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, REPEALING AND RE-ENACTING SECTION 5-1-22 OF THE CITY CODE OF THE CITY OF GUNNISON CONCERNING THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES**, be introduced, read, passed and adopted on second reading this 24<sup>th</sup> day of May, 2005.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried,  
Roll call vote, no: None.

**Ordinance No. 7, Series 2005; Re: Text Amendment to Chapter 15, Land Development Code of the City Code Regarding Large Scale Retail Development, 2<sup>nd</sup> Reading.**

Councilor Harriman introduced Ordinance No. 7, Series 2005, and it was read by title only by the Mayor.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Ordinance No. 7, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO AMENDING CHAPTER 15, ARTICLE 4, SECTION 15-4-1 (DEFINITIONS); CHAPTER 15, ARTICLE 8, SECTION 15-8-3 (STANDARDS FOR USES) AND SECTION 15-8-4 (DESIGN STANDARDS FOR PARKING AREAS); CHAPTER 15, ARTICLE 11, SECTION 2,(ROAD AND SIDEWALK STANDARDS); CHAPTER 15, ARTICLE 12, SECTION 15-12-1(STAGES OF THE DEVELOPMENT REVIEW PROCESS) AND SECTION 15-12-5 (PROVISIONS FOR PUBLIC NOTICE); AND ENACTING CHAPTER 15, ARTICLE 18 (DESIGN REVIEW) AND CHAPTER 15, ARTICLE 19 (LARGE RETAIL DEVELOPMENT DESIGN STANDARDS) OF THE CITY CODE OF THE CITY OF GUNNISON**, be introduced, read, passed and adopted on second reading this 24<sup>th</sup> day of May, 2005.

Discussion on Ordinance No. 7, Series 2005, ensued. Comments/issues discussed included:

Councilor Medina: Thanked Staff and the GVCA. Supports general design standards but has concerns the document is an anti-Wal-Mart document. Perhaps table the ordinance to give time to make some amendments to the document; Citizens are telling him they need lower-cost groceries in Gunnison.

Councilor Harriman: Has been part of the process from the start; compromises were made; the document should preclude mistakes made in previous developments; The ordinance speaks to most of the population; Big Box development will come in anyway and they need to fit into Gunnison not Gunnison fitting to their designs; It's not anti-anybody.

Mayor Ferguson: Is the result of a hug amount of work by many people; The ordinance deserves passed based on the public input and compromise; This should be a living document that is visited frequently and amended as needed.

Councilor Miller: Planning Commission made leaps and bounds in improvements from the initial documents; Not totally comfortable with the document; Needs to be revisited and amended in the near future; Is disappointed with the previous Council not finishing the process and were unfair to put this issue on to the new Council.

Councilor Nesbitt: Concurs it needs to be a living document; Community has the right to decide their future; concurs with Councilor Miller on disappointment with the previous Council leaving this issue for the new Council; Would like to see staff prepare a pro/con statement on issues such as this in the future; City is looking a revising the Master Plan and the LDC and changes can be incorporated into those reviews as well.

Councilor Miller called for the question.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman.

Roll call vote, no: None.

Resolution No. 18, Series 2005, Re: Approving Intergovernmental Agreement with the Gunnison/Hinsdale Combined Emergency Telephone Service Authority for Funding Personnel Costs.

Councilor Nesbitt introduced Resolution No. 18, Series 2005, and it was read in its entirety by the Mayor.

Councilor Nesbitt moved and Councilor Harriman seconded the motion that Resolution No. 18, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE GUNNISON/HINSDALE COMBINED EMERGENCY TELEPHONE SERVICE AUTHORITY REGARDING FUNDING OF PERSONNEL COSTS OF THE ENTERPRISE FUND KNOWN AS THE "ENTERPRISE FUND COMMUNICATIONS"**, be introduced, read, passed and adopted this 24<sup>th</sup> day of May, 2005.

Roll call vote, yes: Miller, Nesbitt, Medina, Harriman, Ferguson. So carried.

Roll call vote, no: None.

**Resolution No. 19, 2005, Re: Commending James Keehne for His Service to the City of Gunnison.**

Councilor Harriman introduced Resolution No. 19, Series 2005, and it was read by title only by the Mayor. Mayor Ferguson stated the entire Resolution would be read and formally presented at Chief Keehne's retirement reception.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Resolution No. 19, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, COMMENDING JAMES KEEHNE FOR HIS YEARS OF SERVICE AND OUTSTANDING PERFORMANCE AS POLICE CHIEF OF THE CITY OF GUNNISON**, be introduced, read, passed and adopted this 24<sup>th</sup> day of May, 2005.

Roll call vote, yes: Nesbitt, Medina, Harriman, Ferguson, Miller. So carried.  
Roll call vote, no: None.

**City Attorney:** Was out of town.

**City Manager: Mark Collins:** 1. Thanked Councilor Harriman and all of the people who participated in the Police Chief Assessment/Interview process last week. They are checking references now and will make an announcement late this week or early next week. 2. The emergency services flood task force as been meeting. There is an incident command structure already in place. 10,000 sand bags were purchased and delivered to the City shops. The river is currently at approximately 3400 cfs.

**Acting City Manager: Finance Director Wendy Hanson:** Finance Departmental Report. Director Hanson was absent due to a family emergency.

**City Clerk: Gail Davidson.** Reminded Council their facilitated retreat will be held this Thursday morning, 7:30AM at the Quality Inn conference room. Also, next Tuesday is the 5<sup>th</sup> Tuesday of the month. There are no agenda items currently on the agenda, so with Council's permission she will cancel the work session. Council concurred not to meet on May 31<sup>st</sup>.

**Non-Scheduled Citizens:**

Richard Karas; thanked Council for their actions this evening. He offered to get GVCA information to Councilor Miller. Stated he thought Council should have official rules of order.

Diane Lothamer, Chair of the Planning Commission; thanked Council for their work. She asked for a joint City Council/Planning Commission Work Session to discuss the Master Plan and LDC review.

T.L. Livermore, Chair of the GVCA; informed Council the GVCA wants to be a community visioning group. They did meet with Mike Darnell of the GVEDC, local contractor Joe Puchek and Banker Jeff Walker to discuss issues in the Design Standards. They didn't have consensus but they each did give written comments during the development process.

Ralph "Butch" Clark; Also thanked Council. Agreed the Design Standards need to be a living document and we need to learn from other communities. The City should work with WSC students and departments to evaluate trend in retailing. We need to keep up with these changes.

Wilma Duffy; hopes this ordinance doesn't take business out of Gunnison. She has worked for Wal-Mart for years, it's her life and she loves Gunnison but doesn't want to see Wal-Mart leave town.

Tony Malegro; has an issue with wanting to open a sidewalk hotdog vending business. He has been told he can only vend adjacent to his building/place of business. He has thousands of dollars invested. Discussion ensued. City Manger Collins informed Council that City Attorney Landwehr is working with Mr. Malegro's attorney to find a way for him to conduct business within the provisions of the Code.

**General Discussion/Items for Work Session:**

**Councilor Harriman:** Thanked the Council for allowing her to participate in the Police Chief interview process last week. It was very interesting. She also inquired about the State Water Source Protection Program. She'd like to attend those meetings. City Manger Collins will get her in the loop on those meetings.

**Councilors Medina and Nesbitt, Mayor Ferguson:** Nothing further to report.

**Councilor Miller:** Asked everyone to remember our troops on Memorial Day and for everyone to have a safe weekend.

**Adjournment:** The meeting adjourned at 8:44 P.M.

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Mayor

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City Clerk